outside ruffians, had died of his injuries, but such proved not to be the case. Late in the day, Coroner Perry, who is taking preliminary steps toward securing the ante-mortem examination of this victim to the Mayor's mob law, called at the residence of Mr. Crofut, No. 184 Ludlow street, and found that the suffered was in an extremely critical condition, although quit sensible of all that was passing around him. Coroner gave orders that no outsiders should see Mr. Crofut except upon a written permit from the attend ing physician. Since the brutal attempt was made to murder Mr. Crofut various persons have called upon him, several of whom, after expressing their sympathies, have with great impudence apbraided him for not clinging to Mayer Wood in preference to going ever to the new Commissioners. While the reports were in circulation that Mr. Crofut was dead the Mayor sent to the Coroner's office in great haste for Coroner Gamble, but that official was not in. Whether the Mayor obtained an interview with the Coroner he was so hotly in pursuit of we did not learn, but Coroner Connery was afterward seen hovering about the Mayor's office. What his Honor's business was with the Coroner just at this particular time the

public can judge for themselves. TAMPERING WITH THE CORONERS. Mayor Wood, learning that Officer Crofut, one the Metropolitan Police, was dangerously wounded by his men while engaged in assisting in the service of a civil process, and was likely to die, yesterday sent for Coroner Gamble. That officer, however, did not, as we are informed, visit him. Subsequently, Mr. Coroner Connery waited upon the Mayor-whether by invitation or not we could not learn-and was closeted with him for some time. Previous to this, Coroner Perry was informed of Crofat's critical condition and went to his residence. Mrs. Crofut informed him that a Police Surgeon Hasbrocuk, one of Mayor Wood's officials, had called there several times to see Mr. Crofut, and had frequently expressed his regret that Mr. Crofut had not remained in the Mayor's Police, instead of going over to the Metropolitan force. Sh further stated that she had endeavored to make him understand that his visits were not required, and that in order to make him keep away, she had given him a piece of her mind. But still he peristed in coming there, as did others of the Mayor's agents, and she wanted the Coroner to stop their visits, if possible, a they only excited her husband and made him worse. The Coroner proceeded then, in view of the precarious situation of the injured man, to take the pre'iminary steps for holding an ante-mortem examination. Finding that Mr. Crofut was feverish and somewhat wan dering in his mind at that time, he concluded to defer the examination until he was more tranquil. Before leaving, however, he placed a member of the Metropolitan Police in charge of the house, at the request of Mrs. Crofut, with strict orders to admit no one to the sick room, outside the family, but the family physician, and such physicians as he might wish to call his assistance in the case, unless at the request of Mr.

Yesterday afternoon, Coroner Perry, soon after making these arrangements, was informed that Coroner Gamble had visited the house of the sick man, with the intention of taking the case into his own hands. Such a course being unusual and out of order -the Coroners all agreeing that when a member of their body had entered upon an investigation he was to continue it to the close-Coroner Perry sought legal advice of District-Attorney Hall.

ANOTHER ACCOUNT. It is not true that Coroner Perry is watching the case of Crofut to keep it out of the hands of any other Coroner. It is true that the Mayor has endeavored to thrust forward another Coroner to prevent the case falling into Coroner Perry's hands, or else why did he send to the Coroner's office for Coroner Gamble or Connery, and as Coroner Gamble first arrived at the Mayor's office, it is fair to be presumed that he was ordered or requested to go at once to Mr. Crofat's house. At any rate he did go. But notwithstanding Coroner Gamble is a Democrat, he also is a gentleman, and will not thrust himself into a position in a dishonorable manner to please Fernando Wood.

It is due to Coroner Perry to state why he has re peafedly called upon Mr. Crofut since his injury. It was Corener Perry who held the writ that Wood refused to allow him to serve, and it was Coroner Perry who called for a police force to protect him from the horde of ruffians behind whom Wood had ent enched himself. Officer Crofut was one of that force, and he fell beneath the savage blows of Fernando Wood' men, fighting like a brave man to protect the of Coroner Perry, who was time being his commanding officer. As a man the Coroner could not desert his fellow-man, after being so wounded and carried to his house in a dying state; and sympathies drew him frequently to his be side, not in an official capacity, but as a friend and physician. The wife of the wounded man also looked to Coroner Perry for protection from the annoyance of Wood's spics, who have crowded themselves into the sick man's presence to such a degree that she has been obliged to call for a Police officer to keep them out. Here is a specimen of the impertinence of one of Fernando Wood's old po lice surgeons, who he undoubtedly sent there, or else why did he go to administer to one of the Metropolitan

Mrs. Crofut states that Dr. Hasbrouck first came on Wednesday forenoon and insisted upon his right to see Mr. Crofut, because he was a police surgeon; she told him that she did not wish him to see the wounded man, as she found it would disturb him, and that her regular family physician was in attendance upon him every day, and Dr. Perry also called as a friend. But he insisted, and then told the sick man that he was sorry he was on the wrong side, if he had not been he would not have been hurt-and now he was disabled and would not be on the police long at any rate, as the Court would decide in Mayor Wood's favor; and that he would be Mayor four years longer in spite of any law, and if he got well he would ed from the police for taking the wrong

Mrs. Crofut, indignant at his conversation, told Hasbrouck that she had rather see her husband lay there on his sick hed and herself suffer in poverty than to see him on the side of Mayor Wood.

Dr. Hasbrouck's conversation seemed to excite the sick man so much that his symptoms were worse, and she told him she wished he would not come again; but he did the next day.

Several very rough persons, she says, entire strangers, have also called apparently to try to get something out of his report of the manner in which he was wounded, and she thinks they were sent by Mayor LATEST FROM POLICEMAN CROFUT.

Dr. Bigelow, the physician attending Officer Crofut f the Seventeenth Ward Metropolitan Police, who was dangerously wounded by some of Wood's men on Tuesday in the riot at the City Hall, having intimated that the wounds of Mr. Crofut were likely to prove atal, Coroner Perry proceeded yesterday afternoon to make an ante-mortem examination in the case. In the evening Mrs. Crofut addressed a communication (of which the following is a copy) to Captain Hartt of the Seventeenth Ward, requesting assistance to pro-tect the family from sundry outrageous annoyances to which they had been subjected for the last two days:

which they had been subjected for the fact two days:

NEW YORS, June 18, 1857.

Mr. Harvy. Captain of the Metropolitus Police.

Sir: Being constantly annoyed by people, strangers to me, who come to my house and insist upon seeing my husband, who now lies dangerously ill, and being informed by Dr. Bigelow, my family physician, that all anch, visits tend to prevent the recovery of my husall such visits tend to prevent the recovery of my hushand, I would request of you that you will send me such assistance as will prevent further annoyance of that nature.

ANN E. CROFUT.

Capt. Hartt, in compliance with the request of Mrs.

Crofut, sent down a posse of police to prevent any fur-ther intrusion from Wood's medical staff, deputized Coroners or other emissaries.

THE MAYOR'S REPORT OF HIS INTERVIEW WITH

THE GOVERNOR. One of our reporters having expressed a desire in the Mayor's outer office to ascertain the particulars of

his interview with the Governor, was invited into the inner room, where [the Mayor, after some general and personal compliments, spoke as follows: It was stated that I was brought down here yesterday morning in the custody of the Sheriff; that is not true. Nor is it true that I was pale and hargard when I went home. I want it distinctly understood that I am quite accessible, and for any facts which you may with in relation to me, it is better to get them at the fountain

Early this morning, between 10 and 11 o'clock, a very intimate and personal friend of the Governor called upon me and intimated to me that it would b exceedingly gratifying to the Governor to see me. Subsequently another gentleman of the same political party called about 2 o'clock on the same subject, without, of course, any direct message from the Governor but with an intimation that he was at the Astor House and expected to leave town, and would like to see me I then went over with this gentleman after my office hours here, at 21 o'clock.

The Governor received me very cordially, in a bland affable and friendly manner. He said that he bend been sent for rather peremptorily while he was enjoying himself very much indeed in Boston; that he now regretted that he had come; he could see no necessity at all for his presence here; he thought we were abundantly capable of taking care of the peace of the city without that; he said he should go away this afternoon at 5 o'clock; that he had marched up the hill, and now all he had to do was to march down again. That was his own language. He said that if there had been a riot here, he had no doubt that I

would have stood by him in suppressing it. I said that I felt myself entirely capable of preserv ing the peace of this city, even without his aid, but with his aid there could be no doubt about it; that no person regretted more than myself what had occurred; that I deprecated violence at all times; that I was essentially a man of peace, and that in this instance I had acted from a sense of public duty in resisting what I deemed to be an encroachment upon the rights of the City of New-York; that as to the unfortunate collision which had occurred with the police, it had been produced in an effort to degrade me; that the idea of bringing an armed force to serve a warrant upon me, when I was at all times and under all circumstances easily to be found and entirely willing to submit to the service of any warrant when legally served, was monstrous, and that I had no doubt that those who resisted day before yesterday were actuated from pure and proper motives, and that I was satisfied had he been here his conservative counsels would have prevented such an imprudent step.

The Governor said in reply that he regretted it very much: that this was his native city, and it was additionally painful to him to know that such an excitement existed, tending to violence or a breach of the peace, and he hoped that I would, so far as I could, prevent any recurrence of anything of the kind.

I told him that in this whole controversy, from first

to last, I had rather suppressed any disposition manifested on the part of my friends, and had counsele peace so far as the police question was concerned; that that would be determined speedily by the Court of Appeals, to which I, in common with every good citizen, would bow; but as to Street Commissioner question, which was the immediate cause of this difficulty, that was another question, entirely disconnected from the police; that I was entirely justified in the ejection of Mr. Conover, and I should continue to do that as long as became into the office; that even admitting that he, the Governor, had a right to appoint him, which I did not, still Mr. Conover had not complied with the law by duly qualifying himself; that it was not only necessary that the Street Commissioner should be appointed, but he had to do certain things which he had not done; that the Charter of 1857 directed that he should comply with the ordinances in existence until otherwise directed by the Common Council; that the Common Council had made no new directions; bence that the ordinance of 1849 was in full force and that that ordinance requires that the Street Com missioner before assuming that office should give two sureties in \$10,000 each, appoved by the Mayor; that Mr. Conover had omitted to do that, nor had he filed his oath of office; that I had not seen Mr. Conover in three months, although I am arrested for an assault and battery upon him; that although the Governor might have the power to appoint him, I certainly could not recognize him until he had qualified himself. He brought the oath of office, and one of my clerks put it in his pocket. The lav expressly requires that the Mayor shall approve.

These are forms that are absolutely necessary—as necessary as to take the oath of office. Hence I told the Governor that I felt fully justified in urse I had taken, and I should persist in that course, be the consequences what they may; that while I respected him as Governor and personally, yet I was to the City of New-York what he was to the

State of New-York.

He then said that he had just heard that Mr. Cono ver had omitted to approve his bonds, and appeared to be very much surprised that that had been om The conversation then turned upon Bunker Hill, and he hoped I would come to Albany.

His countenance and manner indicated that he was surprised at the omission. The interview was very agreeable; he was very calm and appeared to be very cular. I have seen so many sober faces lately that

it was a relief to me.

Deputy Sheriff McKibben to the Mayor-Now, I would like to know at what time you cluded my vigilance long enough to go over there. I did not know that you had gone.

The Mayor-You see that I am going home and not in the custody of the Sheriff.

Mr. McKibben accompanied his prisoner. MAYOR WOOD HIS OWN LAWYER.

It is stated by one of the Mayor's counsel that Mr. Wood, in resisting the Metropolitan Police, has throughout acted in direct opposition to the advice of Messts. O'Conor, Edmonds and Sedgwick, the counsel employed to test the constitutionality of the law.

POLICE APPOINTMENTS.

The Metropolitan Police Commissioners met yesterday at their office in White street, and made thirteen appointments. The following are their names:

Thomas Beatty, Enoch C. Lewis, W. L. Miller, John H. Elliott, Joseph Waterbury, jr., H. S. Cox, Arthur Johnston, Floyd Palmer, J. H. Thorn, James Alexander, D. C. Davis, Edward Collin, George W. Msjery. The Commissioners transacted but little other busi-

ness, or if so, it was not made public.
FIFTH WARD METROPOLITAN STATION-HOUSE.

The Commissioners having made the Fifth Ward Station-House the general rendezvous for the special force, they yesterday morning assembled there. When Mr. Falconer of the Thirteeuth Ward marched his force into the house, they were received with vociferous cheering, and Mr. Falconer was called on for a speech. He responded as follows: GENTLEMEN: We have met together at an im-

portant crisis, and the occasion of our meeting is of vital importance to ourselves, to our city and to our State. The laws have been violated, defied and trampled under foot. Our fellow-citizens have been in a cowardly manner beaten with bludgeons, and many of them seriously maimed—some probably mur-dered. And all this under the authority and by the direction of those who are sworn to sustain the laws.

To defend these laws we have volunteered our services, regardless of party predilections. What has

To defend these laws we have volunteered our services, regardless of party predilections. What has made it necessary for us to do this? It is because of the ascendancy of bad, corrupt men to place and power. Who placed these men in power? Some say the people. I say the people did not, but that rum dad! Gentlemen, the anarchy and violence which at this time prevails in this city is primarily caused by rum, and by rum alone. No rum, no such men could be elected. No rum, there could not be obtained the foul material to sustain the existing insurrection.

arrection.

Gentlemen, let us by our sobriety show that rum has not placed us in the position we now occupy. Let us show that we can protect the lives and property of our fellow-citizens, and fight, bleed, and die, if need be, in defense of the law and of our rights. And let us further show that we can govern ourselves, and will not be ruled over by usserupulous demagogues, who, calling to their aid the offscourings of the whole

earth, defy all law, human and divine. Gentlemen, the law is supreme and must be obeyed.

After impressing upon the men the necessity of ex-

ercising moderation, patience, vigilance and firmness, &c., Mr. Falconer concluded amid applause. SEVENTH WARD POLICE.

Sergeant Cameron of the Eleventh Ward, last evening preceeded to the Seventh Ward Station-House, pursuant to instructions received from Deputy Superntendent Carpenter, for the purpose of reading a notice to the new police, directing them to report themselves for duty at the Seventeenth Ward Station-House. Captain Lets refuse i permission to have the document read or a word said to the men. Sergeant Cameron then retired outside of the building and read the "order" in question to the men as they left the Station House; but that portion of the force there who favor the Mayor set up such a yelling and screeching, that of course none of the others could well learn the import of the document. DISCHARGE OF FERNANDO WOOD ON THE HABEAS

CORPUS-A SECOND WRIT ISSUED. At 3 o'clock yesterday City Judge Russell took his eat on the bench of the Court of General Sessions to render his decision in the matter of the application for the discharge of Fernando Wood, on a writ of habeas corpus, from arrest under a warrant issued by Re-

order Smith.

After taking his seat, Gilbert Dean said: May it please your Honor, before proceeding to render a decision in this case, I beg leave to present another matter that I deem of importance to bring before your Honor. I have the petition of Fernando Wood, which I will read, with your Honor's permission:

To the Hon. A. D. Russell, City Judge of the City and County of New York:

The petition of Fernando Wood shows that he is restrained of his liberty by of New York:

The petition of Fernando Wood shows that he is restrained of his liberty by J. C. Willet, Sheriff of the said City and County, and that he is not committed or detained by virtue of any process issued by any Court of the United States, or by any Judge thereof; nor is he committed or detained by virtue of the final judgment or decree of any competent tribunal of civil or criminal jurisdiction, or by virtue of any execution issued upon such judgment or decree; that the cause or pretense of such imprisonment according to the best of the knowledge and belief of your petitioner is several warrants issued by the Recorder of the City of New-York for the arrest of your petitioner for mis demeanors alleged to have been committed by your petitioner while acting as Mayor of the City of New-York, in the discharge of his official duries as Mayor said city; and your petitioner further shows that he believes that said warrants have been issued by personal and political enemies and for the purpose of gratifying personal and political malice only; wherefore your petitioner prays that a writ of habnes corpus issue directed to said James C. Willett, Sheriff of said city and county, directing him to bring the body of Ferrand Q Wood before your Hoppo forthwith, together tests directed to said James C. Whitel, such a city and county, directing him to bring the body of Fernando Wood before your Honor forthwith, together with the cause of his imprisonment. Dated the 18th day of June, 1857.

Fernando Wood.

Fernando Wood, the shore petitioner, being duly swons, dath depose and say, that the shore petitioner, being duly swons, dath depose and say, that the state facts set forth in the above petition, subscribed by him, are true, FERNANDO WOOD.

Sworn before me, this 18th day of Jane, 1857.
A. D. RUSSELL, City Judge. Mr. Dean (resuming)-I ask that your Honor will grant us the writ of habeas corpus, which the statute gives to every citizen as a right; and I ask moreover

that it may be made returnable at the office of the Mayor, room No. 6 City Hall, forthwith. Judge Russell-I don't think it will be possible for me to hear an application on the writ of habeas corpus, though I am willing to issue the writ and

postpone the hearing.

Mr. Dean-We only ask that the writ be issued: it is undoubtedly the right of your Honor to postpone the hearing. We suppose that under present exigencies the Mayor should be kept in the citadel. If the writ is granted we are willing that the hearing be postponed to any term which may

suit the convenience of your Hosor.

Mr. Hall—(The District-Attorney)—I have nothing to say on this matter; but I would suggest as amicus raria to your Honor, that " a return forthwith" is not legal, and it is a mistake to draw up a habeas corpus in that way. The expression of the statule is "immediately upon the service of this writ."

Mr. Dean-I am willing to put it in that way. Mr. Hall-"Forthwith" means nothing. Honor had better quote the language of the statute. Mr. Dean-We think that the present emergency is such as requires that the Mayor should be in the City Hall.

Judge Russell signed the writ of habeas corpus as follows, and handed it to Mr. Dean:

as follows, and handed it to Mr. Dean:

The People of the State of New York
Olse. G. Willett, Shered of the City and County of New-York
—GREETING:
We command you that you bring the body of Fernando Wood, by you imprisoned and detained, as it is said, together with the time and cause of such imprisand detention orment, by whatsoever name it shall be criled or charged before me at Room No. 6 of the City Hall, in said city, immediately on the service of this writ, to do and receive what shall then and there be considered concerning him, and have you then and there they will be said.

there this writ. HENRY E. DAVIES, esq., Supreme Court, on the 19th da of the Justices of the Supreme Court, on the 19th day of June, one thousand eight hundred and fifty seven.

RICHARD B. CONNELLY, Clerk.

DEAN & DENORUE, Attorneys for Petitioner.

Mr. Dean gave the writ to Mr. G. G. Barnard, and

requested him to serve it on Sheriff Willet, who was seated within the bar of the Court. Mr. Barnard served the writ as directed. Judge Russell then delivered the following decision

in the matter of the proceedings on the writ of habeas corpus previously issued: THE MATTER OF THE WRIT OF HABEAS CORPUS

ISSUED TO INQUIRE INTO THE CAUSE OF THE IM-PRISONMENT OF FERNANDO WOOD. A. D. Russell, City Judge.

A. D. Russell, City Judge.

This case comes before me upon the application of Gilbert Dean for a writ of habeas corpus to inquire into the cause of the imprisonment of Fernando Wood, Mayor of the City of New-York. By the return of the Sheriff to the writ, it appears that he arrested the Mayor on the 16th instant, and that he detains him in his custody by virtue of a warrant issued by the Recorder of the City of New-York, in which the Mayor is charged, in connection with Chas. Turner and John W. Bennett, with inciting to a riot in the City of New-York on the 13th and 16th instant, and with assaulting and procuring others to assault in the City of New-York on the 13th and 16th instant, and with assaulting and procuring others to assault one Daniel D. Conover on those days. I speak of Mr. Wood as Mayor, not because he is so designated in the charge or complaint against him, but because, from what transpired before me, it appeared that he was in fact the Mayor of the City of New-York, and that whatever he did on the consistent referred to was was in fact the Mayor of the City of New-York, and that whatever he did on the occasion referred to was in that character or capacity. On the part of the applicant for the writ a traverse of the theriff's return was interposed, denying the sufficiency of the affidavit or complaint on which the warrant was issued, and alleging the official character of the Mayor as a bar to arrest or imprisonment for his efficial acts. The learned District-Attorney insisted that this traverse was, in effect, a denurrer, and joined in it as such, and averred in ad-Attorney insisted that this traverse was, in effect, a demurrer, and joined in it as such, and averred in addition, in negative terms: First, that the affidavit was sufficient; second, that the official acts of the Mayor were the subjects of arrest in law; and third, that the privilege of office did not avail the Mayor as to the acts for which the warrant was issued. The only evidence before me on the subject of the Mayor's alleged criminalty was the affidavit on which the warrant was issued. On the return of the writ of habeas corpus the District-Attoney urged, as a preliminary objection, that there was no right or power on the part of the City Judge to issue or allow such a writ. I had then and have now no doubt as to my jurisdiction in the City Judge to issue or allow such a writ. I had then and have now no doubt as to my jurisdiction in the matter. It was a subject I had previously satisfied myself upon by a careful examination and consideration of the powers and duties of the office. It would take away a most important attribute from the office to admit that it had no such power. It would be against the policy of the law, as well as against that liberal rule of construction which prevails in relation to remedial statutes, to confine or restrict the right to issue this merciful writ to a few hands. By the act of the Legislature creating the office. the right to issue this merciful writ to a few hands. By the act of the Legislature creating the office of City Judge (Laws of 1850, p. 388, s. 3), it is distinctly declared that "all judicial powers vested "by law in the Recorder of the City of New-York "are hereby conferred upon such (the) City Judge, "and said (the) City Judge shall, concurrently with said (the) Recorder perform and discharge all judicial duties imposed upon such (the) Recorder," The Recorder, as a Judge of the Court of Common Pieas for the City and Country of New-York, has the same powers as the as a Judge of the Court of Common Pleas for the City and County of New-York, has the same powers as the Judges specially elected for that Court; and the powers of the latter, as Supreme Court Commissioners, are expressly continued to them by chapter 255 of the laws of 1847 (Laws of 1847, page 281, Sec. 7). This has been undergone judicial construction by the Court of Appeals of this State, in Renard agt. Hargans 3

he has the power, the City Judge has also. If the City Judge has the power to grant a writ of babeas corpus the statute leaves him no discretion as to the exercise of his right, for he would forfeit \$1,000 to the party aggrieved were he to refuse to allow the writ, when legally applied to, beside being hable to impeachment if not indictment also (2 R. S., 4th ed., 199, sec. 46). This brings me to the consideration of the question submitted upon the merits of this application.

First: Is the affidavit upon which the warrant of arrest issued sufficient or not? I can see nothing in it in a legal point of view, establishing the criminality of the Mayor. It is made by Mr. Conover, who claim to be the Street Commissioner of the City of New York, and the substance of it is that on two occasions to wit: on the 15th and 16th inst., he was thrust from the possession of his (alleged) official apartments by the violence of certain parties, and that one of them, Benett, who is charged in the warrant with the Mayor, stated that it was by direction of the Mayor, the latter not being shown to have been pres-ent, on the contrary conceded to have been absent, and there being not the least evidence beyond to conent, on the contrary conceded to have been absent, and there being not the least evidence beyond to connect him with the transaction more than the veriest strateger. Mr. Conover further states that he believes all the defendants conspired together to procure the said assault to be committed upon him. It would be altogether unnecessary to attempt to show that, upon no principle of law or reason can or ought a criminal complaint to be entertained upon a basis or foundation like this. The affidavit strikes me as clearly insufficient so far as the Mayor is sought to be implicated. The case of The People vs. Hicks (15 Barb., S. C. R. 157), to which I have been referred by the District-Attorney, does not, as I understand it, take away from me the right to examine the complaint for the purpose of seeing that the Recorder, by reason of something alleged in it, had the right to cause the arrest of the Mayor. In that case the Recorder (Tillou), upon a general affidavit showing the commission of the crime, instituted an examination to ascertain who were the perpetrators of it; and the Court held that he had that right, as well as the right, by reason of his jurisdiction under the complaint, to inquire into the commission of other similar offenses. That case involved the question of jurisdict on of subject matter. This case involves the question of jurisdiction of different parties, it is not the perpetration of an offense, or that under an affidavit showing a prima fecie case against certain parties. monstrous to say that under a general affidavit as to the perpetration of an offense, or that under an affidavit showing a prima facie care against certain parties, any number of persons could be arrested and detained in custody, whether implicated or not by the facts stated. If there was a reasonable color of jurisdiction on the part of the Recorder over the Mayor under the complaint, I might view the matter differently.

Second: Assuming the Mayor to have given the directions specified or mentioned in the affidavit, does not the privilege of his office guard him against arre to rimprisoment for what he said or did in that character or capacity! It was assumed as a fact on the ar-

ter or capacity! It was assumed as a fact on the ar-gument of the application before me that the Mayor was acting as a public officer—as Mayor—on the oc-casion adverted to. Granting this, I do not think the casion adverted to. Granting this, I do not think the privilege of his office is perfectly absolute. Were he to abuse his office—act corruptly or maliciously, and without sufficient cause, and this fact should be estabwithout sufficient cause, and this fact should be established against him—the law would hold him responsible. It is a familiar principle that an abuse of power destroys the official character of an individual completely—entirely. The difficulty here is, that no such case is made out against the Mayor; and being conceded to be a public officer, and to have acted in that capacity, the presumptions of law are, in the absence of proof to the contrary, that what he did was in the execution or performance of his duty. On these presumptions I choose to repose in the absence of express testimony impugning them.

Third: It was insisted by the learned District-At-

testimony inepugning them.

Third: It was insisted by the learned District-Attorney that until the Mayor was finally committed upon the charge in the warrant, by the Recorder, the present writ should not and could not legally have

This certainly differs from the practice, as I have always understood it to exist. Every part of the stat-ute relative to habeas corpus shows that unless in the eases from which the writ is absolutely excluded, or in ute relative to babeas corpus shows that unless in the cases from which the writ is absolutely excluded, or in relation to which the proceedings upon it are expressly limited or qualified in their scope or extent by the statute, the intention of the Legislature was to provide a speedy mode of deliverance from unjust or unlawful imprisonment. It is a very common thing to issue a writ of certiorari which differs from a writ of babeas corpus in not requiring the person of the party in whose favor it is issued to be produced on the return of it) to a magistrate while proceeding with the examination, which the statute contemplates after the arrest of an accused party, and before the magistrate has finally passed upon the case—that is, before he has decided whether he would commut the party or not; and yet the regularity of the writ is invariably admitted. A certiorari issued under such circumstances would be invalid if the present proposition is tenable. Under my present convictions I cannot recognize the correctness of the position, and cannot therefore subscribe to the views of the learned District Attorney. Other points were raised and discussed a both sides which I do not deep it necessary therefore subscribe to the views of the learned Dis-trict Attorney. Other points were raised and dis-cussed on both sides, which I do not deem it necessary to pess upon. The conclusion I have arrived at is that the Mayor must be discharged from the custody of the Sheriff, unless the District-Attorney elects to proceed with the usual examination after arrest before me. Should he not so elect, the order of discharge must be absolute. Should be so elect, the examination can proceed in the customary way. This will save all the rights of the prosecution in the premises.

Mr. Hall-I would like to address a single remark to your Honor; I understand your Honor distinctly to state, during the course of my argument, that you should not regard the point raised as to the unsufficiency of the affidavit; upon which statement I was

Judge Russell-I said I should not regard it except o far as it bore upon the question whether the magistrate had the color of jurisdiction.

Mr. Hall-That was the question I was about to as gue when your Honor stopped me. The point I took was that your Honor had no right to base an opinion upon the affidavit—that you could not go behind the warrant: and then I was going on to argue that even if you could look at the affidavit, the affidavit was sufficient. There I was stopped by your Honor saying that you would not regard the affidavit at all.

Judge Russell-I do not regard it except so far as to see whether the Recorder had the color of juris-

Mr. Hall-I understand you to say that you pass distinctly upon the affidavit, and say that there was not sufficient to show a case. In the next place your Honor does me injustice in one remark. I certainly never took point that pending the return on a war rant, there could be no habeas corpus issued; I trust I know enough of law to know the contrary of that proposition. In regard to the last subject which fell from your Honor's lips-my election to go on-I don't know that I have anything to do with the matter. A complaint is made before a magistrate, and my urisdiction never attaches except in two ways; first after indictment, it is my duty to attend upon the cause; and in the second place, when notice of a writ of habeas corpus is served upon me, it is my duty to attend upon a hearing, and there to urge the reasons why the defendant should not be discharged from custody upon the writ of habeas corpus; but when the hearing on my return is ended I conceive I have no right; nor can I at all subscribe in any possible way your Honor's right to acquire jurisdiction over the ubject matter; I concede that you may have the right to acquire jurisdiction of the person absolutely, and hold him to bail or discharge him; but I hold that you cannot, except by a certiorari, take possession the subject matter.

Judge Russell—I am perfectly satisfied that my

ourse is right, after a careful examination of the sub ect. I have no doubt that when a person is arrested n a warrant, and before examination is brought beore me on a writ of babeas corpus, I have full power o direct a hearing before me as a magistrate.

Mr. Hall-And thus oust the jurisdiction of the Re order under his warrant ? Judge Russell-Yes, Sir. Mr. Dean-I want to refer my learned friend to a

ase-to several cases in Parker's Criminal Reports, which it has been held that a writ of habeas corpus brings before the magistrate issuing it the subject natter. One case is that of the People agt. Martin. Judge Russell-Then you will not elect? Mr. Hall-I do not wish to be misunderstood, I do

ot refuse-I decline to elect, because I think I have no such power, nor can I believe that your Honor has power to compel me to elect. Judge Russell then made out the following order in

the case:

the case:

BEFORE THE CITY JUDGE.

In the matter of the Writ of Habeas Corpus, issued to inquire into the case of the imprisonment of Fernando Wood, June 18, 1837.

This cause having been brought before me to test This cause having been brought before me to test the legality of the arrest of Fernando Wood, for whose benefit this proceeding was had, and after hearing Gilbert Dean, esq., counsel for Fernando Wood, and A. Oakey Hall, esq., District-Attorney, for the People:

Ordered, That the said Fernando Wood be discharged from the custedy of the Sheriff of the City and County of New-York, unless the District-Attorney elects to proceed with the usual examination after arrest before me; should he not so elect immediately, the order of discharge must be absolute. Should he so elect, the examination can proceed in the customary way.

Signed

A. D. RUSSELL.

To this order Mr. Hall replied as follows:

The District-Attorney declines to make any elec-"The District-Attorney declines to make any elec-tion as proffered in them, because he denies the right of the Judge to make any such conditional discharge, or to impose such election upon him, and because he denies the right, without certioari in aid of habeas corpus, to go into any investigation or hearing of the merits, or by habeas corpus to change the right to this hearing from the magistrate who issued the warrant, unless by certiorari. "A. OAKEY HALL."

Mr. Hall-This declaration makes the discharge absolute.

Judge Russell then indersed on the writ an absolute discharge of the defendant Wood.

PROCEEDINGS AT THE MAYOR'S OFFICE. After Judge Russell left the Chamber of the Court of Sessions he proceeded to the Mayor's Office to receive the return of the secon i writ of habeas corpus which he had just issued. He took his seat in the Mayor's private office, with the Mayor, Mr. Dean and others, to await the arrival of the District-Attorney upon the notice served upon him to appear and she cause why the defendant, Fernando Wood, should not be discharged from custedy. In a half hour the messenger returned with the following communication directed to Judge Russell from Mr. Hall, the District-Attorney:

CITY AND COUNTY OF NEW-YORK, DISTRICT-ATTORNEY'S OFFICE, June 18, 1857.

To the Hon. A. D. Russell, City Judge, Room No. 6 City Hall
Sin: I have the honor to be in receipt of a notic in the following words:

In the matter of the imprisonment of Fernande Wo

"In the matter of the imprisonment of Perhadeas Wood.

"Take notice that the hearing upon the habeas corpus this day allowed by A. D. Russell, City Judge, on behalf of the above petitioner, will be heard before A. D. Russell, eeg., City Judge of the City of New-York, at room No. 6 in the City Hall of the City of New-York, on Thursday, June 18, 1857, immediately. Dated July (so in the original) 18, 1857, immediately. Dated July (so in the original) 18, 1857.

"DEAN & DONOHUE, Atty's for Petitioner.

To A. Oakey Hall, District Attorney, esq."

Upon inquiry I learn that Room No. 0, City Hall, is the office of the defendant in the proceedin, s, and the same place wherein I officially attended June 17, on a habeas corpus, and from whence an adjournment was had to the public Court-room of the General Sessions.

I have not the right to dictate where your Honor may make the writ of habeas corpus returnable, nor

may make the writ of habeas corpus retunable, no would it become me to criticise it if I had, but as must decline to attend upon such notice at the place designated, justice to my official position, and respect for the Judge issuing the writ, demand that I should also be to be a such as the place of the form of the such as the place of the form of the such as the

for the Judge issuing the writ, demand that I should give my reasons.

I was yesterday subjected to gross personal indignity in obeying the notice on the first writ for the same place, and that after announcing my official position and claims to entrance, the indignity was indicated by apparent officials in the full knowledge of my errand, at the very door of Room No. 6 of the City Hall.

I am informed and believe that the City Hall is still guarded by a posse of men, in such a manner that I have fears for my personal safety, particularly as, being in Court when the writ was applied for, I understood counsel for the petitioner to speak of the "necessity of the Mayor continuing within his citadel."

Nor, without sacrificing self-respect and official duty,

Nor, without sacrificing self-respect and official duty, can I attend on the hearing of a public proceeding in a private place, guarded, under the authority and by the direction of the priseners against whom I am to appear.

Your obedient servant, obedient servant, A. OAKEY HALL, District Attorney.

Judge Russell then made the following indorsement

Judge Russell then made the following indersement on the back of the written habeas corpus:

The hearing of the within metter is adjourned to the 25th of June inst., at 12 o'clock of that day, at my office, No. 25 Chambers street in the City of New-York, notice to be given to the District Attorney of its adjournment, the said Fernando Wood to remain in custody of the Sheriff in pursuance of a written order this day given to him. A. D. Russell, City Judge.

New York, June 18, 1857.

Appended is the order of Judge Russell to the

Appended is the order of Judge Russell to the

REFORE THE CITY JUDGE.

In the matterfof an application of Fernando Wood for a writ or habeas corpus.

The above-named Fernando Wood being brought before me on habeas corpus this day, allowed returnable before me immediately, and the hearing of this matter being adjourned until the 25th day of June, at 12 o clock, until judgment be given upon the return, ordered that the said Fernando Wood be committed to the custody of the Sheriff of the City and County of New-York, and to remain in his custody during all the time until judgment be given in the matter.

A. D. RUSSEL, City Judge.

OTHER LEGAL PROCEEDINGS.
SUPERIOR COURT—SPECIAL TERM—June 18.—Before Judge
HOFFMAN.
Daniel D. Conover agt. Fernando Wood et al.

Judge Hoffman this morning granted the following order requiring the Mayor to show cause for contempt. At a Special Term of this Court, held at the City Hall, in the City of New York, on the 18th day of June, A. D. 1857, Present: Murray Hoffman, Justice.

City of New-York, on the 18th day of Jane, A. D. 1857.

Present: Marray Hofman, Justice.

Dâniel D. Conover agt, Fernando Wood et al.—If appearing to me satisfactorily, by the affidavit of Frederick W. Perry, one of the Coroners of the City of New-York, that the defendant, Fernando Wood, has willfully resisted the scrvice upon him of a lawful order or process of this Court made in this action, that is to say, an order directing the arrest of such defendant: now on filing said affidavit and on motion of Field & Shuyter, of counsel, it is ordered that the said defendant show cause before me, the said Justice, on Tuesday, the 23d day of June inst., at 10 o'clock of that day, at the Special Term room of the Superior Court, in the building on the corner of Centre and Chambers streets, why he should not be punished as for a contempt; and let the said affidavit be served with this order, and such service is to be made on or with this order, and such service is to be made on or before Friday, the 19th inst. MURRAY HOFFMAN. The following is a copy of the affidavit upon which

Judge Hoffman granted the order to show cause:

Judge Hoffman granted the order to show cause:

CORONER PERRY'S APFIDAVIT.

City and County of New-York, ss.—Frederick W.
Perry of said city, being sworn, saith, that he is one of the Coroners of the said city, duly elected, residing in said city, and exercising the duties of his office as such Coroner, on the 16th day of June inst.; that the order of arrest, of which the annexed is a copy, was delivered to deponent for execution on the said 16th day of June; that he immediately repaired with said order to the City Hall, for the purpose of arresting the defendant, Wood, thereunder; that he went to the door of the outer office of said Wood, when admission to said office was at first refused him, but on deponent's stating that he was such Coroner and had official business with said Wood, deponent was admitted within said office and up to the railing within the same, where he was met by a person belonging to the so-called Municipal Police, who denied him admission to the inner room where the said Wood them was, as deponent is informed and believes; that deponent then announced his business—that he was such Coroner, and had said order of arrest for execution; that thereupon a messenger went into said inner office to inform said Wood of deponent's business; that deponent does not know the name of such messenger, but he was also a member of said Municipal Police; that the said messenger returned almost immediately, and thereupon one Ackerman, formerly police captain, and who, as deponent believes, came out of the private office of said Wood, came to deponent and and thereupon one Ackerman, formerly police cap-tain, and who, as depenent believes, came out of the private office of said Wood, came to deponent and told him that the Mayor's orders were that deponent should be turned out of the room, whereupon he in-stantly reized deponent, and, after a little resistance on his part, forcibly and viciently ejected him from the apartment, and thus for the time entirely defeated the service of the said order of arrest; that deponent was obliged to, and did thereupon, invoke the aid of the military, which was furnished him, and that by means of such assistance he was enabled to make the service which he could not otherwise do, on account service which he could not otherwise do, on account of the resistance of the said Wood and the said Ackerman to the execution of the process.

F. W. PERRY.

Sworn before me June 17, 1857.

JOHN F. GRAY, Commissioner of Deeds.

The order was served by Mr. Samuel S. Acker, a officer of the Court, who called on the Mayor accom-panied by Gen. Sandford. Mr. Wood blandly recived the two gentlemen, and said that he would strend to the document.

THE INJURED POLICEMEN'S SUITS.

Betwee Judge Dynn.

Lemucl S. Sister agt. Fernando Woode John G. Goodell agt.
The Same. Wm. Petils agt. The Same.
In these three suits of assault and battery, which, with four others in the Supreme Court, and three others in the Common Pleas, were commenced on Wednesday by the injured Metropolitan policemen, Judge Duer granted orders of arrest, fixing the amount

of bail in each at \$5,000. The following is a copy of that in the first, the others being similar: ORDER TO ARREST AND HOLD TO BAL ORDER TO ARREST AND Hother of New York: It appearing to me that a sufficient cause of action exists under § 179 of the Code, you are required forthwith to arrest the defendant in this action, and hold him to bail in the sam of \$4.000, and to return this order to Field & Sluyter, plainting attorners, at their office, No. 22 Broadway, New-York, on the lich day of June 1807.—Duted, June 18, 1807.

Coroner Perry made the same affidavit in each case, copy of which will be found below. The affidavits of the other plaintiffs are, except with regard to the nature of the injuries, like that of Mr. Slater below, The complaint in each case enumerates the same facts.

The companing in each case commences are same take.

AFFIDAVIT OF CORONER PERRY.

City and County of New-York, sa.—Frederick W.

Petry sworn, says, that he is one of the Coroners of
the City and County of New-York, and that he lad
the party of Metropolitan policemen, by whose aid he
endeavored to arrest the defendant on the 16th day of
June, 1857, under the order of arrest issued by Mr.

The County of Metropolitan politics and the county of the c June, 1857, under the order of arrest issued by Mr. Justice Heffman; that on his first entering the City. Hall he found a large body of men calling themselved the Municipal Police, marshaled and commanded by the defendant Wood, who occupied an office hone corner of the building, and under whose orders the said Municipal Police acted throughout; that when he endeavored to enter the Mayor's olice he was stopped until a communication was made with said Wood and orders received from him; and that whatever was done, was done by the orders or under the direction of said Wood.

And this deponent further saith that there were sev-

snid Wood.

And this deponent further saith that there were several hundred of the Municipal policemen ranged in the City Hall, guarding every entrance and occupying the halis and passages. And this deponent further saith that the assault upon the said Municipal policemea was made by the said Municipal policemea isaing from the acoth doors of the City Hall and from the basement of the said building.

And this deponent further saith that he, on the mering of the 17th inst., went to the City Hall to see the said Wood in reference to the arrest of the preceding day, when he was stopped at the outer door of the Mayor's effice and tood by an official of the Mayor's office that, though he was Coroner, he could not come in. This deponent stated that he wished to speak wi'b the Mayor. The efficial replied to deponent, "I will go see him," and said to the Manicipal policemen, "Don't let him in till I return." He shortly returned and asked deponent, "Do you wish to arriest the Mayor again? This deponent asswered, "He did not." The official asked apain. "Upon honor?" This deponent said "Yes, and thereupon this deponent said "Yes," and thereupon this deponent said "Yes," and thereupon this deponent remained in the said the mayor's effice, where he found the said defendant Wood; and while this deponent remained in the said cities the said Wood gave frequent orders to the said Municipal Police. (Signed) F. W. Perer.

JUHN F. GRAY, Commissioner of Decks. Municipal Police. (Signed) F. W. PERET. Sworn, June 18, 1857, before me. JOHN F. GRAY, Commissioner of Doeds.

Swern, June 18, 1857, before me.

JOHN F. GRAY, Commissioner of Deck,

MR. SLATER'S APPIDAVIT.

City and County of New-York, ss.: Lemmel 8,
Slater, the plaintiff, being sworn, saith, that he is a policeman at this city; that on the light day of June 1857, deponent was ordered by Deputy-Superintendent of Police, Daniel Carpenter, to go under the order of Sergeant Scabury and Captain Speight, to discharge whatever duty which might be assigned to them: that in pursuance of this order deponent repaired to the Recorder's office with about fifty other policemen, and marched thece to the City Hall to addite the feederick W. Perry, Coroner of this city, in the excution of a warrant of arrest against Fernando Wood, issued out of this Court; that while peaceably entring the City Hall for said purpose, deponent and he comrades were attacked by a crowd of persons maknown to deponent, armed with clubs, knives and pictels; that the Coroner aforesaid proclaimed aloud, so as to be heard by all near him, that he had a warrant against Fernando Wood, and called upon all persons present to assist him; that, nevertheless, the crowd aforesaid continued the riotous assault and severely beat and injured many of deponent's companions, and hurt deponent by striking him with clubs upon the head and face and body; that they inflicted several severe cuts and bruises on deponent's head, shoulders and back, knocked out four of his teeth, and so injured his right arm that he is unable to use it; and that, finally, they foreibly drove deponent and his comrades

and back, knocked out four of his right arm that he is unable to use it; and that, finally, they forcibly drove deponent and his comrader to a distance from the City Hail.

Deponent further saith that the said persons acted, as deponent is informed and believes, under the orders and direction of the defendant, and committed the aforesaid assault at his special instance and request.

SAMUEL S. SLATER.

SAMUEL S. SLATER.
Sworn, June 17, 1857, before me.
ABRAM UNDERHULL, Com. of Deels.
SUPREME COURT—SPECIAL TERM—JUNE 18.—Before
L. D. Leighton aut. Fernando Wood, Wm. Van Tassel agt. The
Same: Edwin Weyler agt. The Same; Wm. McDonald agt.
The Same.

Same: Edwin Weyler agt. The Same; Wm. McDonald agt. The Same. In these four suits, brought by four injured police-men, Judge Mitchell granted orders of arcest, in each of which the amount of bail was fixed at \$5,000.

of which the amount of ball was fixed at \$3,000.

COURT OF COMMON PLEAS—Just 18.—Before Judge
Braov.

James Spier agt. Fernando Wood; Eliha Burlison agt The
Same; Alex. Ferguson agt. The Same.

In these suits, which are of the same character as
those recorded above, Judge Brady granted orders of
strest, fixing the amount of ball in each at \$5,000. ANOTHER PROSECUTION OF A MUNICIPAL POLICE

ROWDY. We give below the affidavit of Mr. Thompson C. Dunn, of No. 53 Perry street, upon which a warrant

was issued, with the subsequent proceedings:

City and County of New-York, see—Thompson C.

Dunn, of the City of New-York, carman, being duly
worn, says—That on Wednesday, the 17th day of
June inst., between the hours of 6 and 7 in the after-June inst., between the hours of 6 and 7 in the after-noon, this deponent was in Sherwood's restaurant, cor-ner of Broadway and Park-place in said city, when John Oakford, having on the uniform and star of the Municipal police of said city, came into said restaurant, accompanied by another of said police officers, and soon after was followed by half a-dozen or more of said police; that deponent was standing in said restaurant in conversation with dozen or more of said police; that deponent was standing in said restaurant in conversation with several persons, when the total Oakford came up; that the subject of conversation was Mayor Wood, against whom ill opinions were expressed by different persons then present; that said Oakford said to deponent said others that Simeon Draper was as bad a man as Fernando Wood, and addressed deponent, and asked him how he knew anything against Fernando Wood, to which deponent replied, "By common report and his treatment of his partner;" to which said Oakford replied, "You are a deed liar," and deponent said, "You are a gentleman," and said Oakford replied, "You are a gentleman," and said Oakford mediately struck deponent to the ground; that deponent was stunned by the blow, and severely cut and bruised; that said Oakford had some instruments on his knuckles; that deponent, after getting upon his feet, asked said Oakford his name and number; that he replied (too indecent for publication), and soon left the place. This treatment was entirely unprovoked by and unexpected to this deponent; that and Oakford was an entire stranger to this deponent, and had had no conversation with him, or any persons with him, other than as above stated.

THOMPSON C. DUNN, No. 33 Perry street.
Sworn before me, this lath day of June, 1957.
Sworn before me, this lath day of June, 1957.

Recorder Smith issued a warrant for Mr. John

Recorder Smith issued a warrant for Mr. John

Oakford upon the foregoing affidavit, which was placed in the hands of Deputy Superintendent Carpenter, who caused it to be served upon Mr. Oakford and he has been held to bail in the sum of \$2,500, Dunn is said to be very badly cut, and seriously hurt. A CORRECTION.

A statement got into our report of day before yet

terday's proceedings in connection with the police troubles, that Recorder Smith went in person to the office of Mayor Wood. We are authorized to say the Recorder did not enter the Mayor's office at any time during that day.

CORRECTION.

To the Editor of The N. Y. Tribune.

In your paper of the 18th inst., under the title of "A Police Captain wants to desert Fernando," yes atimate that probably I was the person making such overtures. Not having made any proposition to reprediate the authority under which I act, may I request that you will insert this contradiction?

J. MURRAY DITCHETT, Captain Fourth District.

HORRIBLE AFFAIR IN MONROE COUNTY, ISD.

Horrible Affair in Monroe County, Isb.—From The Bloomington Republican of last week we gather the particulars of the murder of Biogham, is the vicinity of Bloomington, by a band of men styling themselves "Regulators," On Friday night, the 28th ult., the "Regulators," On Friday night, the 28th ult., the "Regulators," numbering about forty persons, proceeded to Bingham's house, broke open the door, rushed in in a body, captured him and took him into the wood near by, and after tying him to a tree, commenced scourging him with rods and beating him with bludgeous knives, were also used, as gashes and bruises were upon his body and head. They continued their accurating until he sank down dying, when they field. Bingham was found by his friends shortly afterward, but he expired in a couple of hours. The Republican says that Bingham's body was horribly lacerated. Not a spot that you might rest the point of your firger but was as black as a beef a liver, from the head down to the knee-joints. Prints of the fisters had seized him in the onset, and gashes from the transfer of the skill. The verdict of the Jury was that the deceased came to his death by violence from the heads of persons unknown. Great excitement existed throughout Monroe County, and active meaning the skill. The verdict of the same uncast ures are being taken to ferret out the assailants.